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# **Water & Natural Resources Committee**

**March 15, 2006  
2:30 p.m.—5:00 p.m.  
Reed Hall**

## **ACTION PACKET**

# **Committee Meeting Notice**

## **HOUSE OF REPRESENTATIVES**

**Speaker Allan G. Bense**

### **Water & Natural Resources Committee**

**Start Date and Time:** Wednesday, March 15, 2006 02:30 pm

**End Date and Time:** Wednesday, March 15, 2006 05:00 pm

**Location:** Reed Hall (102 HOB)

**Duration:** 2.50 hrs

#### **Consideration of the following bill(s):**

HB 229 Use of Land for the Exploration, Production, and Storage of Petroleum and Natural Gas by Clarke

HB 597 CS Contracting for Efficiency or Conservation Measures by State Agencies by Cannon

HB 733 Airboats by Dean

HB 889 Fran Reich Aquatic Preserve by Machek

HB 923 Troup-Indiantown Water Control District, Martin County by Machek

**NOTICE FINALIZED on 03/13/2006 12:50 by LARSON.LISA**

**COMMITTEE MEETING REPORT**  
**Water & Natural Resources Committee**

**3/15/2006 2:30:00PM**

**Location:** Reed Hall (102 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Donna Clarke (Chair)	X		
Thad Altman	X		
Dean Cannon	X		
Charles Dean	X		
Ron Greenstein	X		
Charlie Justice	X		
Kenneth Littlefield	X		
Richard Machek	X		
Pat Patterson	X		
John Seiler	X		
Trudi Williams	X		
<b>Totals:</b>	<b>11</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, March 15, 2006 4:43:31PM

**COMMITTEE MEETING REPORT**  
**Water & Natural Resources Committee**

**3/15/2006 2:30:00PM**

**Location:** Reed Hall (102 HOB)

**HB 229 : Use of Land for the Exploration, Production, and Storage of Petroleum and Natural Gas**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Dean Cannon	X				
Charles Dean	X				
Ron Greenstein	X				
Charlie Justice	X				
Kenneth Littlefield	X				
Richard Macheek	X				
Pat Patterson	X				
John Seiler	X				
Trudi Williams	X				
Donna Clarke (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

**HB 229 Amendments**

**Amendment 1**

☒ Adopted as Amended

**Amendment Am 1 to Am 1**

☒ Adopted Without Objection

**Amendment Substitute Am 1**

☒ Withdrawn

**Appearances:**

Oil and Natural Gas Study  
Jennifer Fitzwater (Lobbyist) (State Employee) - Information Only  
DEP  
3900 Commonwealth Boulevard  
Tallahassee FL 32399  
Phone: 245-2140

Committee meeting was reported out: Wednesday, March 15, 2006 4:43:31PM

**COMMITTEE MEETING REPORT**  
**Water & Natural Resources Committee**  
**3/15/2006 2:30:00PM**

**Location:** Reed Hall (102 HOB)

**HB 597 CS : Contracting for Efficiency or Conservation Measures by State Agencies**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman				X	
Dean Cannon	X				
Charles Dean	X				
Ron Greenstein	X				
Charlie Justice	X				
Kenneth Littlefield	X				
Richard Machek	X				
Pat Patterson	X				
John Seiler	X				
Trudi Williams	X				
Donna Clarke (Chair)				X	
<b>Total Yeas: 9      Total Nays: 0</b>					

Committee meeting was reported out: Wednesday, March 15, 2006 4:43:31PM

**COMMITTEE MEETING REPORT**  
**Water & Natural Resources Committee**  
**3/15/2006 2:30:00PM**

**Location:** Reed Hall (102 HOB)

**HB 733 : Airboats**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Dean Cannon	X				
Charles Dean	X				
Ron Greenstein	X				
Charlie Justice	X				
Kenneth Littlefield	X				
Richard Machek	X				
Pat Patterson	X				
John Seiler	X				
Trudi Williams	X				
Donna Clarke (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

**HB 733 Amendments**

**Amendment 1**

☒ Adopted

**Amendment Am 1 to Am 1**

☒ Adopted

**Appearances:**

Don Browning (General Public) - Information Only  
Marion County Sheriff Lake Watch/Waterfront Community Residents  
13101 SE 158th Lane  
Weirsdale FL 32195  
Phone: 325-821-2299

**COMMITTEE MEETING REPORT**  
**Water & Natural Resources Committee**  
**3/15/2006 2:30:00PM**

**Location:** Reed Hall (102 HOB)

**HB 889 : Fran Reich Aquatic Preserve**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Dean Cannon				X	
Charles Dean	X				
Ron Greenstein	X				
Charlie Justice	X				
Kenneth Littlefield	X				
Richard Machek	X				
Pat Patterson	X				
John Seller				X	
Trudi Williams	X				
Donna Clarke (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

**HB 889 Amendments**

**Amendment 1**

☒ Adopted

**COMMITTEE MEETING REPORT**  
**Water & Natural Resources Committee**  
**3/15/2006 2:30:00PM**

**Location:** Reed Hall (102 HOB)

**HB 923 : Troup-Indiantown Water Control District, Martin County**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Dean Cannon				X	
Charles Dean	X				
Ron Greenstein	X				
Charlie Justice	X				
Kenneth Littlefield	X				
Richard Machek	X				
Pat Patterson	X				
John Seiler				X	
Trudi Williams	X				
Donna Clarke (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

Committee meeting was reported out: Wednesday, March 15, 2006 4:43:31PM

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**COMMITTEE MEETING REPORT**  
**Water & Natural Resources Committee**  
**3/15/2006 2:30:00PM**

**Location:** Reed Hall (102 HOB)

**Summary:**

**Water & Natural Resources Committee**

*Wednesday March 15, 2006 02:30 pm*

HB 229 Favorable With Committee Substitute

Yeas: 11 Nays: 0

Amendment 1 Adopted as Amended

Amendment Am 1 to Am 1 Adopted Without Objection

Amendment Substitute Am 1 Withdrawn

HB 597 CS Favorable

Yeas: 9 Nays: 0

HB 733 Favorable With Committee Substitute

Yeas: 11 Nays: 0

Amendment 1 Adopted

Amendment Am 1 to Am 1 Adopted

HB 889 Favorable With Committee Substitute

Yeas: 9 Nays: 0

Amendment 1 Adopted

HB 923 Favorable

Yeas: 9 Nays: 0

Committee meeting was reported out: Wednesday, March 15, 2006 4:43:31PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 229

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Water & Natural Resources  
2 Committee

3 Representative(s) Clarke offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7  
8 Section 1. Department of Environmental Protection to  
9 direct a study.--

10 (1) The department shall contract for a study that  
11 evaluates the exposure risk and potential adverse effects of  
12 hurricane wind and storm surge on field-erected aboveground  
13 storage tank systems (tanks, piping, pumps, and related  
14 components) at bulk product facilities, as defined in subsection  
15 376.031(3). The study's scope shall include, but need not be  
16 limited to:

17 (a) Evaluating the frequency, strength, and probability  
18 estimates for hurricane winds and storm surge on those areas of  
19 Florida coasts where existing bulk product facilities are  
20 located and where new bulk product facilities are likely to be  
21 constructed;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 (b) Evaluating the need and timing for requirements for  
23 the establishment of minimum ballast levels for field-erected  
24 aboveground storage tanks at bulk product facilities based on  
25 the frequency, strength, and probability estimates for hurricane  
26 winds and storm surge, and based on levels calculated by a  
27 professional engineer specific to each individual field-erected  
28 aboveground storage tank, taking into account the type of tank,  
29 the type of product stored, tank diameter, tank height, and  
30 other relevant factors.

31 (c) Evaluating the need and feasibility for requirements  
32 for:

33 1. Professionally engineered permanent anchoring systems  
34 for field-erected aboveground storage tanks in high-risk surge  
35 zones; and

36 2. Professionally engineered temporary cable tie-down  
37 systems that could be pre-constructed or fabricated and retained  
38 in storage until needed, that would not interfere with normal  
39 daily operations, and that could be set up in advance of an  
40 approaching storm.

41 (d) Evaluating the need for potential siting  
42 considerations or engineering mitigation that would prevent or  
43 limit the installation of new field-erected aboveground storage  
44 tank systems at bulk product facilities in areas that are  
45 potentially high risk areas for hurricane winds and storm surge  
46 unless the systems are designed and engineered to withstand  
47 hurricane winds and storm surge.

48 (e) Identifying all current and proposed industry  
49 standards for professionally engineered dike-fields surrounding  
50 field-erected aboveground storage tanks at bulk product  
51 facilities, including standards for materials and designs that  
52 will withstand hurricane winds and storm surges yet allow access

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 for emergency fire-fighting vehicles in accordance with industry  
54 reference standards contained in National Fire Protection  
55 Association (NFPA) 30.

56 (2) The study shall include recommendations for changes,  
57 if needed, to aboveground storage tank system laws and agency  
58 rules in order to decrease damage from hurricanes and improve  
59 recovery of field-erected aboveground storage tank systems after  
60 storm damage. All recommendations shall be accompanied by a  
61 cost-benefit analysis which shall include an analysis of:

62 (a) The costs for modifying existing field-erected  
63 aboveground storage tank systems and dike fields, and the costs  
64 associated with new construction of field-erected aboveground  
65 storage tank systems and dike fields, to meet any proposed new  
66 requirements; and

67 (b) The potential adverse effect on petroleum inventory  
68 capacity in Florida resulting from any proposed new  
69 requirements. All industry segments with field-erected  
70 aboveground storage tanks shall be included in the petroleum  
71 inventory capacity analysis (e.g. petroleum, electric utility,  
72 etc.).

73 (3) The department shall report the findings and  
74 recommendations of the study to the Governor, the President of  
75 the Senate, and the Speaker of the House of Representatives by  
76 March 1, 2008.

77 Section 2. The Department of Environmental Protection is  
78 authorized to use up to \$250,000 from the Inland Protection  
79 Trust Fund for the 2006-2007 and 2007-2008 fiscal years to pay  
80 the expenses of the Study provided for in Section 1.

81 Section 3. The Oceans and Coastal Council to direct a  
82 study.-

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(1) The Oceans and Coastal Council, created in section 161.73, Florida Statutes, shall direct a research study to evaluate the risks from all activities associated with the possible future exploration for and production of oil and natural gas in the eastern Gulf of Mexico. The study shall be a collaborative effort between two or more public and private Florida marine science research entities and appropriate federal executive branch agencies identified by the U.S. Committee on Ocean Policy, established by Executive Order of President George W. Bush pursuant to the federal Ocean Action Plan. The study shall take into consideration current technologies for controlling discharges from oil and gas exploration rigs and production platforms, and shall include, but need not be limited to:

(a) Evaluating the probability of a discharge from oil and gas exploration rigs and production platforms

(b) Evaluating the magnitude of any probable discharge from oil and gas exploration rigs and production platforms.

(c) Evaluating Gulf of Mexico currents and circulation patterns and the likelihood of any probable discharge reaching Florida's coastal waters and shorelines.

(d) Evaluating the environmental, social and economic impacts of any probable discharge on the fish and wildlife resources in Florida's coastal waters.

(e) Evaluating the environmental, social and economic impacts of any probable discharge on Florida's beaches.

(2) The Council shall present to the Governor, the President of the Senate, and the Speaker of the House of Representatives the results of this study within 120 days after the effective date of this act.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Section 4. There shall be appropriated from General Revenue for FY 2006-2007 an amount of \$500,000 for the Study provided for in Section 3.

Section 5. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to risks associated with the storage of materials at bulk product facilities and the exploration and production of oil and natural gas in the eastern Gulf of Mexico; directing a study of exposure risk and potential adverse effects of hurricane wind and storm surge on field-erected aboveground storage tank systems at bulk product facilities; providing for an appropriation from the Inland Protection Trust Fund for the 2006-2007 and 2007-2008 fiscal years to pay the expenses of the study; directing a study of the risks from all activities associated with the possible future exploration for and production of oil and natural gas in the eastern Gulf of Mexico; providing for an appropriation from General Revenue to pay the expenses of the study; providing an effective date.

## Bill No. 229

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ✓ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

(1) The Department of Environmental Protection shall review and compile existing data and information to evaluate the environmental risks from all activities associated with the possible future exploration for and production of oil and natural gas in the eastern Gulf of Mexico currently subject to federal moratoria. The department shall immediately request from the appropriate state agencies and private research institutes all available data and information necessary to complete this task. The appropriate state agencies must submit the data and information to the department at the earliest possible date, and private research institutes are encouraged to submit relevant data and information to the maximum extent

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. A1A1

24 practicable. The department's effort shall include data and  
25 information available through appropriate federal executive  
26 branch agencies. To the maximum extent practicable, the  
27 department's efforts shall take into consideration current  
28 technologies for controlling discharges from oil and gas  
29 exploration rigs and production platforms, and shall include,  
30 but need not be limited to:

31 (a) Evaluating the probability of a discharge from oil and  
32 gas exploration rigs and production platforms

33 (b) Evaluating the magnitude of any probable discharge  
34 from oil and gas exploration rigs and production platforms.

35 (c) Evaluating Gulf of Mexico currents and circulation  
36 patterns and the likelihood of any probable discharge reaching  
37 Florida's coastal waters and shorelines.

38 (d) Evaluating the environmental impacts of any probable  
39 discharge on the fish and wildlife resources in Florida's  
40 coastal waters.

41 (2) The department shall present to the Governor, the  
42 President of the Senate, and the Speaker of the House of  
43 Representatives the results of this task within 120 days after  
44 the effective date of this act.

45  
46  
47 ===== T I T L E A M E N D M E N T =====

48 Remove line(s) 130-135 and insert:

49 fiscal years to pay the expenses of the study; directing an  
50 evaluation of the risks from all activities associated with  
51 the possible future exploration for and production of oil  
52 and natural gas in the eastern Gulf of Mexico; providing an  
53 effective date.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Substitute Strike-all

Bill No. 229

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input checked="" type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Water & Natural Resources  
2 Committee

3 Representative(s) Clarke offered the following:  
4

5 **Substitute Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7

8 Section 1. Department of Environmental Protection to  
9 direct a study.-

10 (1) The department shall contract for a study that  
11 evaluates the exposure risk and potential adverse effects of  
12 hurricane wind and storm surge on field-erected aboveground  
13 storage tank systems (tanks, piping, pumps, and related  
14 components) at bulk product facilities, as defined in subsection  
15 376.031(3). The study's scope shall include, but need not be  
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19 Florida coasts where existing bulk product facilities are  
20 located and where new bulk product facilities are likely to be  
21 constructed;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Substitute Strike-all

22        (b) Evaluating the need and timing for requirements for  
23        the establishment of minimum ballast levels for field-erected  
24        aboveground storage tanks at bulk product facilities based on  
25        the frequency, strength, and probability estimates for hurricane  
26        winds and storm surge, and based on levels calculated by a  
27        professional engineer specific to each individual field-erected  
28        aboveground storage tank, taking into account the type of tank,  
29        the type of product stored, tank diameter, tank height, and  
30        other relevant factors.

31        (c) Evaluating the need and feasibility for requirements  
32        for:

33        1. Professionally engineered permanent anchoring systems  
34        for field-erected aboveground storage tanks in high-risk surge  
35        zones; and

36        2. Professionally engineered temporary cable tie-down  
37        systems that could be pre-constructed or fabricated and retained  
38        in storage until needed, that would not interfere with normal  
39        daily operations, and that could be set up in advance of an  
40        approaching storm.

41        (d) Evaluating the need for potential siting  
42        considerations or engineering mitigation that would prevent or  
43        limit the installation of new field-erected aboveground storage  
44        tank systems at bulk product facilities in areas that are  
45        potentially high risk areas for hurricane winds and storm surge  
46        unless the systems are designed and engineered to withstand  
47        hurricane winds and storm surge.

48        (e) Identifying all current and proposed industry  
49        standards for professionally engineered dike-fields surrounding  
50        field-erected aboveground storage tanks at bulk product  
51        facilities, including standards for materials and designs that  
52        will withstand hurricane winds and storm surges yet allow access

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Substitute Strike-all

53 for emergency fire-fighting vehicles in accordance with industry  
54 reference standards contained in National Fire Protection  
55 Association (NFPA) 30.

56 (2) The study shall include recommendations for changes,  
57 if needed, to aboveground storage tank system laws and agency  
58 rules in order to decrease damage from hurricanes and improve  
59 recovery of field-erected aboveground storage tank systems after  
60 storm damage. All recommendations shall be accompanied by a  
61 cost-benefit analysis which shall include an analysis of:

62 (a) The costs for modifying existing field-erected  
63 aboveground storage tank systems and dike fields, and the costs  
64 associated with new construction of field-erected aboveground  
65 storage tank systems and dike fields, to meet any proposed new  
66 requirements; and

67 (b) The potential adverse effect on petroleum inventory  
68 capacity in Florida resulting from any proposed new  
69 requirements. All industry segments with field-erected  
70 aboveground storage tanks shall be included in the petroleum  
71 inventory capacity analysis (e.g. petroleum, electric utility,  
72 etc.).

73 (3) The department shall report the findings and  
74 recommendations of the study to the Governor, the President of  
75 the Senate, and the Speaker of the House of Representatives by  
76 March 1, 2008.

77 Section 2. The Department of Environmental Protection is  
78 authorized to use up to \$250,000 from the Inland Protection  
79 Trust Fund for the 2006-2007 and 2007-2008 fiscal years to pay  
80 the expenses of the Study provided for in Section 1.

81 Section 3. The Department of Environmental Protection to  
82 review and compile existing data and information relating to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Substitute Strike-all

environmental risks associated with oil and natural gas  
exploration and production in the Gulf of Mexico.-

(1) The Department of Environmental Protection shall  
review and compile existing data and information to evaluate the  
environmental risks from all activities associated with the  
possible future exploration for and production of oil and  
natural gas in the eastern Gulf of Mexico currently subject to  
federal moratoria. The department shall immediately request  
from the appropriate state agencies and private research  
institutes all available data and information necessary to  
complete this task. The appropriate state agencies must submit  
the data and information to the department at the earliest  
possible date, and private research institutes are encouraged to  
submit relevant data and information to the maximum extent  
practicable. The department's effort shall include data and  
information available through appropriate federal executive  
branch agencies. To the maximum extent practicable, the  
department's efforts shall take into consideration current  
technologies for controlling discharges from oil and gas  
exploration rigs and production platforms, and shall include,  
but need not be limited to:

(a) Evaluating the probability of a discharge from oil and  
gas exploration rigs and production platforms

(b) Evaluating the magnitude of any probable discharge  
from oil and gas exploration rigs and production platforms.

(c) Evaluating Gulf of Mexico currents and circulation  
patterns and the likelihood of any probable discharge reaching  
Florida's coastal waters and shorelines.

(d) Evaluating the environmental impacts of any probable  
discharge on the fish and wildlife resources in Florida's  
coastal waters.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. Substitute Strike-all

(2) The department shall present to the Governor, the President of the Senate, and the Speaker of the House of Representatives the results of this task within 120 days after the effective date of this act.

Section 4. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to risks associated with the storage of materials at bulk product facilities and the exploration and production of oil and natural gas in the eastern Gulf of Mexico; directing a study of exposure risk and potential adverse effects of hurricane wind and storm surge on field-erected aboveground storage tank systems at bulk product facilities; providing for an appropriation from the Inland Protection Trust Fund for the 2006-2007 and 2007-2008 fiscal years to pay the expenses of the study; directing an evaluation of the risks from all activities associated with the possible future exploration for and production of oil and natural gas in the eastern Gulf of Mexico; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. (for drafter's use only)

Bill No. 229

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER ✓ *abandoned*

1 Council/Committee hearing bill: Water & Natural Resources  
2 Committee

3 Representative(s) Greenstein offered the following:

4  
5 **Amendment to Substitute Amendment ( 1 ) by Representative**  
6 **Clarke**

7 On line 118 insert:

8 Section 4. Drilling or exploration for oil or natural gas  
9 is prohibited within sovereignty submerged lands and within 200  
10 miles waterward of the coastline to the maximum extent allowed  
11 by the United States or international law.

12 *[Renumber subsequent sections.]*

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 733

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Water & Natural Resources  
Committee

Representative(s) Dean offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (24) are added to Section  
327.02, F.S, and subsection (37) is amended to read:

327.02 Definitions of terms used in this chapter and in  
chapter 328.--As used in this chapter and in chapter 328, unless  
the context clearly requires a different meaning, the term:

(1) "Airboat" means a vessel, designed for use in shallow  
waters, powered by an internal combustion engine with an  
airplane-type propeller mounted above the stern used to push air  
across a set of rudders.

(24) "Muffler" means an automotive style sound-suppression  
device or system designed to abate the sound of exhaust gases  
emitted from an internal combustion engine and prevent excessive  
sound when installed on such engine.

(39) ~~(37)~~ "Vessel" is synonymous with boat as referenced in  
s. 1(b), Art. VII of the State Constitution and includes every  
description of watercraft, barge, and airboat ~~air boat~~, other

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

than a seaplane on the water, used or capable of being used as a means of transportation on water.

Section 2. Section 327.391, Florida Statutes, is created to read:

327.391 Airboats regulated.--

(1) The exhaust of every internal combustion engine used on any airboat operated on the waters of this state shall be provided with an automotive style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine as described in s. 327.02(24). The use of cutouts or flex pipe is prohibited, except as provided in subsection (4).

(2) An airboat operator cited for an infraction of this section shall not operate until a muffler as defined in s. 327.02 is installed. Second or subsequent violations of this section shall be a second degree misdemeanor punishable as provided in s.775.083.

(3) An airboat may not operate on the waters of the state unless it is equipped with a mast or flagpole bearing a flag at a height of at least 10 feet above the deck. The flag must be square or rectangular, at least 10 inches by 12 inches in size, international orange in color, and displayed so that the visibility of the flag is not obscured in any direction. Any person who violates this subsection commits an infraction punishable as provided in s. 327.733(1).

(4) This section does not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in a regatta, race, marine parade, tournament, or exhibition held in compliance with s. 327.48.

Section 3. Paragraphs (v) and (w) are added to subsection (1) of section 327.73, Florida Statutes, to read:



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

327.73 Noncriminal infractions.--

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(v) Failure to display a flag as described in s. 327.391

(3).

(w) Failure to have adequate muffling device as described in s. 327. 391 (1).

Section 4. Subsection (1) of section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.--

(1) Every person convicted of a criminal violation of this chapter, every person convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, and every person convicted of two noncriminal infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p), and ~~(s)-(u)~~ (w), said infractions occurring within a 12-month period, must:

(a) Enroll in, attend, and successfully complete, at his or her own expense, a boating safety course that meets minimum standards established by the commission by rule; however, the commission may provide by rule pursuant to chapter 120 for waivers of the attendance requirement for violators residing in areas where classroom presentation of the course is not available;

(b) File with the commission within 90 days proof of successful completion of the course;

(c) Refrain from operating a vessel until he or she has filed the proof of successful completion of the course with the commission.

Section 5. Paragraphs (d) and (e) of subsection (5) of section 320.08, Florida Statutes, are amended to read:

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320.08 License taxes.--Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

(d) A wrecker, as defined in s. 320.01(40), which is used to tow a vessel as defined in s. 327.02~~(39)~~<sup>(36)</sup>, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01(38), or a replacement motor vehicle as defined in s. 320.01(39): \$30 flat.

(e) A wrecker, as defined in s. 320.01(40), which is used to tow any motor vehicle, regardless of whether or not such motor vehicle is a disabled motor vehicle as defined in s. 320.01(38), a replacement motor vehicle as defined in s. 320.01(39), a vessel as defined in s. 327.02~~(39)~~<sup>(36)</sup>, or any other cargo, as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$87 flat.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$131 flat.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: \$186 flat.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: \$240 flat.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$300 flat.

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6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$572 flat.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$678 flat.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: \$800 flat.

9. Gross vehicle weight of 72,000 pounds or more: \$979 flat.

Section 6. Subsection (4) of section 328.17, Florida Statutes, is amended to read:

328.17 Nonjudicial sale of vessels.--

(4) A marina, as defined in s. 327.02 (20) ~~(19)~~, shall have a possessory lien upon any vessel for storage fees, dockage fees, repairs, improvements, or other work-related storage charges, and for expenses necessary for preservation of the vessel or expenses reasonably incurred in the sale or other disposition of the vessel. The possessory lien shall attach as of the date the vessel is brought to the marina, or as of the date the vessel first occupies rental space at the marina facility. However, in the event of default, the marina must give notice to persons who hold perfected security interests against the vessel under the Uniform Commercial Code in which the owner is named as the debtor.

Section 7. Subsection (2) of section 342.07, Florida Statutes, is amended to read:

342.07 Recreational and commercial working waterfronts; legislative findings; definitions.--

(2) As used in this section, the term "recreational and commercial working waterfront" means a parcel or parcels of real property that provide access for water-dependent commercial activities or provide access for the public to the navigable

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146 waters of the state. Recreational and commercial working  
147 waterfronts require direct access to or a location on, over, or  
148 adjacent to a navigable body of water. The term includes water-  
149 dependent facilities that are open to the public and offer  
150 public access by vessels to the waters of the state or that are  
151 support facilities for recreational, commercial, research, or  
152 governmental vessels. These facilities include docks, wharfs,  
153 lifts, wet and dry marinas, boat ramps, boat hauling and repair  
154 facilities, commercial fishing facilities, boat construction  
155 facilities, and other support structures over the water. As used  
156 in this section, the term "vessel" has the same meaning as in s.  
157 327.02(39)(37). Seaports are excluded from the definition.

158 Section 8. Paragraph (a) of subsection (10) of section  
159 616.242, Florida Statutes, is amended to read:

160 616.242 Safety standards for amusement rides.--

161 (10) EXEMPTIONS.--

162 (a) This section does not apply to:

163 1. Permanent facilities that employ at least 1,000 full-  
164 time employees and that maintain full-time, in-house safety  
165 inspectors. Furthermore, the permanent facilities must file an  
166 affidavit of the annual inspection with the department, on a  
167 form prescribed by rule of the department. Additionally, the  
168 Department of Agriculture and Consumer Services may consult  
169 annually with the permanent facilities regarding industry safety  
170 programs.

171 2. Any playground operated by a school, local government,  
172 or business licensed under chapter 509, if the playground is an  
173 incidental amenity and the operating entity is not primarily  
174 engaged in providing amusement, pleasure, thrills, or  
175 excitement.

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176           3. Museums or other institutions principally devoted to  
177 the exhibition of products of agriculture, industry, education,  
178 science, religion, or the arts.

179           4. Conventions or trade shows for the sale or exhibit of  
180 amusement rides if there are a minimum of 15 amusement rides on  
181 display or exhibition, and if any operation of such amusement  
182 rides is limited to the registered attendees of the convention  
183 or trade show.

184           5. Skating rinks, arcades, lazer or paint ball war games,  
185 bowling alleys, miniature golf courses, mechanical bulls,  
186 inflatable rides, trampolines, ball crawls, exercise equipment,  
187 jet skis, paddle boats, airboats ~~air boats~~, helicopters,  
188 airplanes, parasails, hot air or helium balloons whether  
189 tethered or untethered, theatres, batting cages, stationary  
190 spring-mounted fixtures, rider-propelled merry-go-rounds, games,  
191 side shows, live animal rides, or live animal shows.

192           6. Go-karts operated in competitive sporting events if  
193 participation is not open to the public.

194           7. Nonmotorized playground equipment that is not required  
195 to have a manager.

196           8. Coin-actuated amusement rides designed to be operated  
197 by depositing coins, tokens, credit cards, debit cards, bills,  
198 or other cash money and which are not required to have a  
199 manager, and which have a capacity of six persons or less.

200           9. Facilities described in s. 549.09(1)(a) when such  
201 facilities are operating cars, trucks, or motorcycles only.

202           10. Battery-powered cars or other vehicles that are  
203 designed to be operated by children 7 years of age or under and  
204 that cannot exceed a speed of 4 miles per hour.

205           11. Mechanically driven vehicles that pull train cars,  
206 carts, wagons, or other similar vehicles, that are not confined

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to a metal track or confined to an area but are steered by an operator and do not exceed a speed of 4 miles per hour.

Section 9. Paragraph (b) of subsection (1) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.--

(1) For the purposes of this section, the term:

(b) "Vessel" means every description of watercraft, barge, and airboat ~~air boat~~ used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02(9)(~~8~~).

Section 10. Paragraph (b) of subsection (1) of section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles or vessels parked on private property; towing.--

(1) As used in this section, the term:

(b) "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02(9)(~~8~~).

Section 11. This act shall take effect October 1, 2006.

===== T I T L E   A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to airboats; amending s. 327.02, F.S.; defining the terms "airboat" and "muffler"; conforming terminology; creating s. 327.391, F.S.; providing for regulation of airboat operation and equipment; requiring described sound-muffling device; requiring display of described flag; providing penalties; amending s.327.73,

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238 F.S.; providing penalties; amending s. 327.731, F.S.;  
239 providing for mandatory education; amending ss. 320.08,  
240 328.17, 342.07, and 715.07, F.S.; correcting cross-  
241 references; amending s. 713.78, F.S.; correcting cross-  
242 references and conforming terminology; amending s.  
243 616.242, F.S.; conforming terminology; providing an  
244 effective date.

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Amendment No. A1 to A1

Bill No. 733

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

*Voice vote*

1 Council/Committee hearing bill: Water & Natural Resources  
2 Committee

3 Representative(s) Dean offered the following:

4  
5 **Amendment to Amendment ( 1 ) by Representative Dean**

6 Remove line(s) 17 and insert:

7 device or system designed to effectively abate the sound of  
8 exhaust gases



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Bill No. HB 889

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

*Voice vote*

Council/Committee hearing bill: Water & Natural Resources  
Committee

Representative(s) Machek offered the following:

**Amendment (with title amendments)**

On line(s) 23, 27, and 31 remove the word Aquatic

===== T I T L E A M E N D M E N T =====

On line(s) 2 and 6 remove the word Aquatic

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